

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with H. Pitlick on 17 January 2012.

The application has been amended as follows:

Please cancel claims 54-74, as per agreement shown in the attached interview summary dated 17 January 2012.

The following is an examiner's statement of reasons for allowance:

As claims 1 and 30 are related as a method and product which are intrinsically linked via subject matter, reasons for allowance of both are as follows.

None of the cited prior art either alone or in combination discloses the subject matter of claims 1 & 30, namely the presence of a mark of origin/fingerprint in a CVD grown gemstone quality diamond, which is not viewable under 'normal' viewing conditions (the Examiner has construed this as under normal wavelengths of light) and does not affect the perceived quality (The 4Cs, as one of ordinary skill in the art would regard the perceived quality of a diamond – Color, cost, cut and clarity). The arguments made by applicants on 29 November 2011 are herein incorporated by reference in their entirety as they are deemed to also convey proper rationale for allowance of these claims.

The claims differ from conventional methods of fingerprinting a diamond such as laser inscription as the inscription via a laser is easily viewable to a gemologist (who would be one of ordinary skill in this case), making it detectable under 'normal' viewing conditions and furthermore laser inscription does, at minimal effect the local clarity of the diamond at the site under the same.

The claims differ from the cited reference of Linearas, in that the diamonds produced by Linearas are a blue color after doping, as such their perceived quality (namely color) is affected.

With respect to Wang, the CVD diamonds produced therein are a blue-ish orange color, once again their perceived quality (color) is affected. This same argument holds true over Scarsbrook.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. RUMP whose telephone number is (571)270-5848. The examiner can normally be reached on Monday through Friday 7:00 AM-4:30 PM (-5 GMT).

/R. M. R./
Examiner, Art Unit 1736

/Stuart Hendrickson/
Primary Examiner, Art Unit 1736